

April 20, 2001

City of Lake Forest, Illinois

vs.

Union Pacific Railroad Company, and the Illinois Department of Transportation.

Petition for an Order of the Illinois Commerce Commission pertaining to the existing grade crossing of Westleigh Road with the tracks of the Union Pacific Railroad Company in the City of Lake Forest, Illinois, directing the installation of automatic protective pedestrian crossing gates, and dividing the costs among the parties, and directing that a portion of the cost of installing automatic protective pedestrian crossing gates be borne by the Grade Crossing Protection Fund.

Petition for an Order of the Illinois Commerce Commission pertaining to the existing grade crossing of Old Elm Road with the tracks of the Union Pacific Railroad Company in the City of Lake Forest, Illinois, directing the installation of automatic protective pedestrian crossing gates, and a grade crossing pad.

RECEIVED  
APR 20 2001

Illinois Commerce Commission  
RAIL SAFETY SECTION

TOO-0098

Consolidated  
with  
TOO-0099

STAFF RESPONSE TO UNION PACIFIC RAILROAD COMPANY'S  
MOTION TO RECONSIDER

Staff has reviewed the Motion to Reconsider filed by the Union Pacific Railroad Company ("UP") and offers the following response. Staff has discussed the railroad's request to amend the Order entered by the Commission on February 15, 2001, by requiring the City of Lake Forest to pay the cost to maintain the pedestrian gates, with the Rail Safety Program Administrator and the Director of the Office of Transportation Counsel.

It is staffs position that the cost of future maintenance of pedestrian gates is now the responsibility of the road agency having jurisdiction of the roadway. In this instance, the actual maintenance of the pedestrian gate units should be performed by the UP, but the cost of this maintenance should be paid by the City of Lake Forest.

DOCKETED

Staff therefore recommends that Finding (7) of the Order, entered by the Commission on February 15, 2001, should be amended to require the City of Lake Forest to bear the cost to maintain the pedestrian gates ordered installed at the Westleigh Road and Old Elm Road crossings with the track of the Union Pacific Railroad Company in the City of Lake Forest. The UP should be required to perform all maintenance on the pedestrian gate units at the aforementioned crossings.

Sincerely,

  
Robert S. Berry  
Railroad Safety Specialist

cc:

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